

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

8

TITLE OF CASE		ATTORNEYS					
<p>HALLIBURTON COMPANY, a corporation</p> <p>vs</p> <p>THE DOW CHEMICAL COMPANY, a corporation</p>		<p>For plaintiff:</p> <p>John M. Imel Martin, Logan, Moyers, Martin & Conway 920 National Bank of Tulsa Building Tulsa, Oklahoma 74103</p> <p>James E. Cockfield, Peter H. Smolka, James P. Burns, <u>Joseph R. Magnone</u> Burns, Doane, Swecker & Mathis 815 Connecticut Ave. Washington, D. C. 20006</p> <p>John H. Tregoning Halliburton Services Drawer 1431, Duncan, Okla. 73533</p> <p>Mr. Dugald S. McDougall McDougall, Hersh and Scott 135 South LaSalle Street</p> <p>For defendant:</p> <p>R. James Unruh 613 National Bank of Tulsa Bldg Tulsa, Oklahoma 74103 (582-7236)</p> <p>Of counsel: BERND Bernd W. Sandt The Dow Chemical Company Midland, Michigan 48640</p> <p>Dugald S. McDougall McDougall, Hersh and Scott 135 South LaSalle Street Chicago, Illinois 60603</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 10-1-71	Clerk	9-28-71	Imel	15 00			
		9-30-71	CD 14		15.00		
		5/1/74	Unruh	5.00			
J.S. 6 mailed 5-1-74	Marshal	5-2-74	C/D #43		5 00		
Basis of Action: Declaratory Judgment	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-28-71	Complaint, filed. Summons issued. m	
10-12-71	Summons, ret. & filed: served Dow Chemical Co. by serving The Corporation Co., Ok. City, 9-29-71. (USM \$4.00)g	
10-15-71	Stipulation for additional time to answer, filed. m	
10-26-71	Order extending time to answer, filed, until 11-18-71 and suspending all discovery proceedings until on or after 11-18-71. (LB-J)m (copies mailed)	
11-18-71	Defendant's answer and counterclaim, filed. ds	
11-18-71	Defendant's interrogatories, filed. ds	
12-8-71	Notice of taking deposition of James W. Rebbeck, at 2:00 P.M. on 1-11-72, at the Patent Dept., in Michigan, filed. v	
12-8-71	Notice of taking deposition of The Dow Chemical Co., by persons designated in accordance with Rule 30(b)(6) Fed. R. Civ. P., at 2:00 P.M. on 1-13-71 in Michigan in the Patent Dept. of the Dow Bldg., filed. v	
12-8-71	Reply to Defendant's Counterclaim by the Plaintiff, filed. v	
12-15-71	Application and Order of the Plaintiff extending time for Plaintiff to answer interrogatories, filed. v	
	Order, as part of the pleading, giving the Plaintiff 30 days from and after Dec. 18, 1971, in which to file answers or objections. (LB-J)v	
1-17-72	Plaintiff's Response to Defendant's Interrogatories 1-25, filed. v	
2-11-72	Request of def. for production of documents under Rule 34 F.R.C.P., filed.rm	
2-23-72	Case set for pre-trial Monday 3-13-72 at 10:00 a.m. (LB-J)hm	
2-24-72	Stipulation between parties and Order under Rule 26(c), filed. (AEB-J) rm(copies mailed)	
2-29-72	Stipulation and order under rule 26(c), filed. (LB-J)hm (copies mailed)	
3-7-72	Application of both parties for order striking case from pre-trial docket set for 3/13/72, filed. rm (<i>Order to LB</i>)	
3-8-72	Written Assurance of James E. Cockfield, re protective order, filed.rm	
3-8-72	Written assurance of Joseph R. Magnone, re protective order, filed.rm	
3-8-72	Response of def. to pltf.'s request for production & inspection of documents, filed.rm	
3-9-72	Order striking case from pre-trial docket set for 3/13/72. (LB-J) rm <i>copies mailed</i>	
3-13-72	Pltf's response to deft's request under Rule 34 Fed. R.Civ.P., filed. hm	
3-24-72	Notice of taking deposition of Frank C. Mathers by def., filed. rm	
4-5-72	Deposition of Grover E. Mullin, Vols. I & II, filed. g	
4-17-72	Notice of taking deposition of Mr. Charles L. Lunsford, at 9:30 A.M. in Tulsa, Okla., filed. v	
4-17-72	Notice of taking deposition of Dr. R. B. Rosene, at 10:00 A.M. in Tulsa, Okla., filed. v	
4-24-72	Return of U.S. Marshals Service. Subpoena duces tecum was served to Charles L. Lunsford, in Tulsa, Oklahoma on 4-21-72 at 4:30 P.M. (Fee \$2.72) Filed. r	
4-24-72	Return of U.S. Marshals Service. Served Supboena duces tecum to Dr. R. B. Rosene, Lab. Director of Dow Chemical Co., on 4-21-72 at 2:15 P.M. in Tulsa, Oklahoma (Fee \$2.72) filed. r	
5-12-72	Notice of taking depositions, filed. hm	
6-12-72	Depositions of Ellsworth W. Hudgens, Edward C. Hardy, Wm. D. Schulz, and Ben E. Mason, filed. g	
6-27-72	Written assurance of Carol J. Dudding, filed. hm	
7-10-72	Deposition of Elizabeth M. Greene on behalf of deft., filed. g (\$21.00)	
7-10-72	Deposition of Frank C. Mathers on behalf of deft., filed. g (\$97.00)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-27-72	Written Assurance of Willirva Fellows, filed. v	
7-27-72	Written Assurance of Dugald S. McDougall, filed. v	
8-8-72	Notice of taking deposition of Wm. T. Abel on 9/9/72 in Wash. D.C. by pltf., filed. rm	
8-8-72	Notice of taking deposition of Robt. C. Martin on 9/6/72 in Tulsa by pltf., filed. rm	
8-16-72	Notice of taking depositions of Gary W. Bradley on 9/26/72 in Duncan, filed. rm	
8-16-72	Notice of taking depositions of John A. Knox and John Arthur Smith in Duncan on 9/19/72. rm	
8-21-72	Notice of taking depositions of L. H. Eilers in Tulsa on 9/7/72, filed. rm	
9-11-72	Notice of taking deposition of Tom Cook in Wash. D.C., 9-13-72, filed. g	
10-26-72	Notice of taking deposition of Don Dorr in New Orleans on 10/27/72, filed. rm	
11-13-72	Notice of taking depositions of Billy B. Arnold on 11/20/72 in Okla. City, filed. rm	
11-13-72	Motion for order compelling production of documents under pltf.'s Req. No. 7, filed by def., w/ <u>sealed</u> brief in support thereof, and with unsealed index (black book) composed of authorities cited in sealed brief, filed. rm	
11-22-72	Deposition (confidential) of Ellsworth W. Hudgens, taken on 5/24/72 in Midland, Mich., filed. rm	
11-27-72	Corrections to dep. of Edward C. Hardy, filed. rm	
11-27-72	Corrections to dep. of Wm. D. Schultz, filed. rm	
11-27-72	Deft's Notice of taking depositions, filed. r	
12-1-72	Notice of taking deposition of Alfred Hendrickson on 12-13-72, filed. g	
12-7-72	Deposition of James W. Rebbeck, filed. g	
12-11-72	Pltf's response to deft's motion for order compelling production of documents, filed. hm	
12-14-72	Hearing held on deft's motion for order compelling production of documents under pltf's request No. 7. Motion is agreed to by parties and counsel to prepare an agreed-to order and submit to the Court, or Court will reset motion for hearing in January. (LB-J)hm	
11-16-72	Notice of taking deposition of G. L. Floyd, filed. v	
11-29-72	Notice of taking deposition of Jm. W. Rebbeck by pltf., filed. hm	
11-29-72	Notice of taking deposition of Charles Lunsford, by pltf., filed. h	
1-9-73	Notice of taking depositions of Engle, Smith & Knox, filed. hm	
1-11-73	Proceedings at Hearing on Deft.'s Motion for Order Compelling Production of Documents under Pltf.'s Request No. 7, filed. v	
1-19-73	Pltf's interrogatories 1 to 41, filed. hm	
1-24-73	Written assurance of Joel M. Freed, filed. hm	
1-24-73	Written assurance of Paul T. Meiklejohn, filed. hm	
1-31-73	Case set for pre-trial hearing 2-14-73 at 10:00 a.m. (LB-J)hm	
2-7-73	Stipulation for ext. of time to ans. interrog., filed. hm	
2-7-73	Joint application, filed, to strike from pre-trial docket, filed. hm	
2-9-73	Order, filed, on hearing of 12-14-72. (LB-J)hm (copies mailed)	
2-9-73	Order, filed, striking case from pre-trial docket of 2-14-73 (LB-J)hm (copies mailed) over	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
2-9-73	Order, filed, (part of stipulation filed 2-7-73) that deft. is granted until 3-20-73 to answer. (LB-J)hm (copies mailed)	
3-12-73	Deposition of Wm. T. Able, filed. rm	
3-14-73	Deposition of Robert C. Martin on behalf of pltf, taken before Loyd J. Christesson on 9-7-72 (Fee \$51.00), filed. r	
3-15-73	Case set for pre-trial 3-26-73 at 10:00 a.m. (LB-J)hm	
3-19-73	Case stricken from pre-trial assignment of 3-26-73, to be reset on next pre-trial docket. (LB-J)hm	
3-27-73	Deft's response to pltf's interrogatories 1-41, filed. hm	
4-12-73	Deft's interrogatories 26 to 41, filed. hm	
5-8-73	Ordered by the Court that this case is set for Pre-Trial Hearing on May 24, 1973, at 10:00 A.M. (LB-J)v -notices mailed.	
5-14-73	Appl. for Order for Extension of time to answer interrogatories, filed by Pltf. v -order as part of pldg., all to J.	
5-17-73	Order filed, granting Pltf's Appl. for ext of time to respond to interrog., giving the pltf 30 days from 5-14-73 (Due 6-13)filed. (LB-J)r (Copies mailed)	
5-24-73	Pre-Trial Held. Parties rep. Pltf & Deft to file P-T Brief within 20 days <u>before trial date</u> . Pltf to prepare P-T Order. Pltf to prepare order re: stip on exhts and deft to respond. Deft to Send Court and a <i>clerk</i> copy of letter to the Clerk re: witnesses and deposition, etc. All counsel agreed to have trial at Okla. City (But will not be transferred) Court will give 60 days notice on trial and Case will not be set before Sept, 1973. (LB-J)r	
6-6-73	Notice of Taking Deposition of Wm. A. Yates and Dr. John C. Evans, filed. r	
6-6-73	Notice of Taking Deposition of Dr. Paul H. Cardwell, filed. r of Halliburton	
6-11-73	Application/and Order granting Extension of Time until June 26th to Answer Interrogatories, filed. (LB-J)jj - copies mailed -	
6-19-73	Pretrial order, filed. (LB-J) ds	
6-26-73	Plaintiff's response to deft's interrogatories 26-41, filed. hm	
7-5-73	Case set for non-jury trial in Okla. City on 8-20-73 at 9:30 a.m. (LB-J)hm	
7-9-73	Stipulation and order, filed, regarding exchange of certain documents. (LB-J)hm (copies mailed)	
7-23-73	Case passed from non-jury docket of 8-20-73 in Okla. City, to be reset after, latter part of September, 1973. (LB-J)hm (letter written) Pltf's.	
9-14-73	Notice Under 35 U.S.C. Sec. 282, filed, jj	
9-17-73	Depositions of Robert Bernard Rosene, Hugh Thomas Harrison and Charles L. Lunsford, filed. (Fee: \$155.00 pd. by pltf.)hm	
9-17-73	Deposition of Alfred R. Hendrickson, filed. (Fee: \$62.00 pd by pltf.)hm	

(Cont)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-17-73	Deposition of J. Preston Engle, filed. hm	
9-17-73	Deposition of Calvin Duane Saunders, filed. (Fee: \$63.00 pd. by deft)hm	
9-17-73	Deposition of Jack G. Frost, filed. hm	
9-17-73	Deposition of Larry Jordan Jefferson, filed. (Fee: \$141.00 pd by deft)hm	
9-17-73	Deposition of Gary Wayne Bradley, filed. (Fee: \$63.00 pd by deft)hm	
9-17-73	Deposition of John A. Smith, filed. (in 2 volumes)(Fee: \$149.00 pd by deft)hm	
9-17-73	Deposition of Francis Neal Harris, filed. (Fee: \$58.00 pd by deft)hm	
9-17-73	Deposition of John A. Knox, filed. (Fee: \$416.00 pd by deft)hm	
9-17-73	Deposition of Gerald Lee Floyd, filed. (Fee: \$92.00 pd by pltf.)hm	
9-17-73	Deposition of Louis Henry Eilers, filed. (Fee: \$185.00 pd by pltf.)hm	
9-17-73	Deposition exhibits of Knox, Frost, Smith, Engle, Bradley, Harris, Jefferson and Saunders, filed. (in large box)hm	
9-20-73	Deposition of Jms. W. Rebbeck filed.(Fee?)	
9-20-73	Case set for non-jury trial in Okla. City on 10-15-73 at 9:30 a.m. (LB-J)hm	
9-21-73	Deposition of Charles L. Lunsford, filed. g	
9-21-73	Deposition of Bill B. Arnold, on behalf of deft, taken before Loyd Christesson on 11-20-72, filed. r (Fee \$61.00)	
9-24-73	Deposition of William Miller Yates, filed. g	
9-24-73	Deposition of Dr. John C. Evans, filed. g	
10-9-73	Deposition of Paul H. Cardwell, with exhibits, filed. g (Not to be opened without order of Court.)	
10-9-73	Deposition of Thomas G. Cook, with exhibits, filed. g (Not to be opened without order of court.)	
10-9-73	Deposition of John T. Dillman, filed. (Not to be opened without order of Court)g	
10-9-73	Deposition of George H. Bodman, filed. (Not to be opened without order of Court)g	
10-9-73	Transmittal of Halliburton's Brief & Appendices and Halliburton's Supplement to Pretrial Order, filed. r	
10-9-73	Trial Brief of Pltf., filed. r	
10-9-73	Appendix II(A) (Correlating w/Sec. II(A) of Pltf's Brief) filed. r	
10-9-73	Appendix II(B) (Correlating w/Sec. II(B) of Pltf's Brief) filed. r	
10-9-73	Appendix III(A) (Correlating w/Sec. III(A) of Pltf's Brief) filed. r	
10-9-73	Appendix IV(A) (Correlating w/Sec. IV(A) of Pltf's Brief) filed. r	
10-9-73	Certificate of service & Notification of complaiance w/Protective Order, filed by Pltf., filed. r	
10-9-73	Supplement of Pltf., to Court's Pretrial Order of 6-18-73, filed. r	

(CONT)

SHEET NO. 3 PAGE NO. 6

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-10-73	Deft's pretrial brief, filed. hm	
10-11-73	Deposition of DON DORR, reported on 10-27-72, with a request that it be kept Confidential, unless ordered by the Court otherwise, filed. v	(4566/A)
10-16-73	Deposition of J. PRESTON Engle, on behalf of def., taken 6/21-22,72, filed. rm	(308/A)
10-16-73	Deposition of JACK G. FROST on behalf of def. taken 9/21-22,72, filed. rm	(308/A)
10-15-73	Case tried to the Court 10-15-73, 10-16-73 & 10-17-73 in Okla. City. Parties present case in chief with test. of witnesses; deft. presents rebuttal evidence with test. of witnesses. Parties rest. <u>Pltf's designation of objections to exhibits of Dow, filed in open court 10-15-73.</u> Deft's exhibits admitted: 1 thru 90, 92A-94C, 96 & 97. (Deft's ex. #40 no longer considered confidential after removal of DX 40(2). Pltf's exhibits admitted: 1 thru 177 (all physical forensic exhibits withdrawn). Counsel to submit suggested F/F & C/L & briefs 30 days after transcript is received. Case then to be set for oral arguments. (LB-J per Bud Bailey) (Frank Sickles-CSR)hm	
1-9-74	Transcript of trial proceedings (2 vols.), filed. g (FMS-Reporter)	
2-12-74	F/F and C/L proposed by deft. and argument in support thereof, filed. hm	
2-13-74	Post-trial brief for the pltf. Halliburton Co., filed. hm	
2-13-74	Appendix to post-trial brief for the pltf. Halliburton Co., filed. hm	
2-13-74	Proposed F/F & C/L submitted on behalf of the pltf. Halliburton Co., filed. hm	
2-13-74	Certificate of service, filed. hm	
3-5-74	MO: It is ordered by the Court that this case is set for <u>hearing on Arguments & Disposition on 3-18-74, at 10:00 A.M., in Courtroom Number 2, Oklahoma City.</u> (LB-J)v -notices mailed this date.	
3-18-74	Hearing held in Okla. City, Okla. on final arguments and disposition. Arguments made. Court takes case under advisement and to file final order. (LB-J) (per Bud Bailey)hm	
4-2-74	Findings of Fact and Conclusions of law, filed. (LB-J)hm (copies mailed)	
4-2-74	Judgment, filed and entered, that pltf. have judgment against deft. to the end that the patent heretofore issued to deft. by the U.S. Patent Office #2,959,555, be and the same is hereby vacated, set aside and held for naught; that pltf. has not heretofore infringed any right, claim or privilege against the deft. by its claimed ownership of a valid, legal patent & is not liable to deft. on its cross-claim; that upon request of pltf. to be allowed a reasonable atty. fee & expenses, a hearing on such request shall be deferred until the within F/F & C/L & Judgment become final & the Court reserves jurisdiction for this purpose. (LB-J)hm (copies mailed)counsel & U.S. Patent Office)	
4-10-74	Pltf's application and order for extension of time to file bill of costs, filed. hm	
4-12-74	Order (part of above applic), filed, granting pltf. until 4-22-74 to file its verified bill of costs. (LB-J)hm (copies mailed)	
4-19-74	Transmittal of Bill of Costs & Request for Allowance of Awarded Reasonable Attorneys Fees & Expenses, filed. Hrg. on Bill of Costs to be 5-7-74 at 10:00 A.M. v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-25-74	Deft's Motion to Supplement the Record, filed. e	
4-25-74	Brief in Support of Motion to Supplement the Record, filed. e	
5-1-74	Notice of appeal by def., from final judg. of 4/2/74, filed. rm	
5-1-74	Bond for costs on appeal (\$250 cash), filed. rm	
5-1-74	Designation of record on appeal, filed. rm	
5-6-74	Pltf's Response to Dow Motion to Supplement the Record, filed. e	
5-7-74	Plaintiff-Appellee's designation of additional parts of record on appeal, filed. g	
5-7-74	Costs taxed against The Dow Chemical Company in amt. of \$11,020.57.g	
5-10-74	Plaintiff's letter to Clerk re portions of appeal record subject to Protective Order of 2-29-72, filed. g	
5-15-74	Case set for hearing on def't's motion to supplement the record in Okla. City on 5-24-74 at 10:00 a.m. (LB-J)hm (notices sent)	
5-17-74	Defts. Letter to the Clerk, filed.jj	
5-28-74	Transcript of proceedings on hrg. on final arguments and disposition, held 3/18/74, filed. (Frank Sickles - Ct. repr.) rm	
5-28-74	Transcript of proceedings at hrg. on def/ mo/suppl. record, filed. (Frank Sickles - ct. repr.) rm	
5-24-74	Hearing held in Okla. City on def't's motion to supplement the record. Parties represented. Motion taken under advisement. (LB-J)hm (per Bud Bailey)	
5-31-74	Order, filed, that Ct. permitted pltf. to supplement the record at the time of oral argument on F/F & C/L to be submitted by the Ct, which offer was received by the Ct. not as evidence but as a supplement to the record; that the documents & affidavits of def't. filed 4-25-74 be received not as evidence but as a supplement to the record; that the Court makes no changes or modifications by reason of the above referred to offer in its F/F & C/L filed herein. (LB-J)hm (copies mailed)	
6-10-74	Order extending time to file and docket appeal to 6-24-74, filed. (LB-J)g	
6-13-74	Transcript of hearing on defendant's motion to supplement the record, filed. (FMS-Rptr)g	
6-13-74	Appeal record (15 volumes) forwarded to USCA. g (6 boxes)	
5-22-75	Mandate and opinion of USCA, filed and spread of record, that judg. of this court is affirmed in part insofar as it denies patent validity to the Dow Chemical Company patent; reversed insofar as it awards Halliburton Company attorneys fees; further that costs in USCA be borne 75% by Dow and 25% by Halliburton. rm	

DATE	PROCEEDINGS	Date Order or Judgment Note
6-2-75	USCA Statement of Costs, filed in amt. of \$20,000.00; 25% or \$5000 to be borne by Halliburton Co., and 75% or \$15,000.00 to be borne by Dow Chemical Co. Costs taxed against Halliburton in amt. of \$4,458.50. g	
6-6-75	Order, filed and entered, adopting Mandate of USCA. (LB-J)rm-copies md.	
8-11-75	Release and satisfaction of costs, filed. g	
<u>1982</u> <u>3-18</u>	APPLICATION of Dow Chemical to disburse funds (\$250.00) (O to J)jc	
3-22	ORDER to disburse funds in sum of \$250.00 to Unruh & Leiter, Attys for Dow Chemical Co by Clk of this Ct. (HDC-J)jc (c/atty)	